

11/18/08

3B

MINUTES OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA
FOR MEETING HELD ON TUESDAY EVENING, October 14, 2008

The City Council met at 6:00 pm, on the above-mentioned date, for a Closed Session in the Council Conference Room for a Conference with Agency Labor Negotiator pursuant to Government Code Section 54957.6; City Negotiator: Jennifer Sparacino, City Manager (or her designee); Employee Organization(s): Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers), Unit #4 - City of Santa Clara Professional Engineers, Units #5, 7 & 8 - City of Santa Clara Employees Association, Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees), Unit #9 - Miscellaneous Unclassified Management Employees and Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association).

The Council then met at 7:01 pm for a regular meeting in the City Hall Council Chambers. The meeting was opened with the recitation of the Pledge of Allegiance and the reading of an Invocation-Prayer.

Present: Council Members Dominic J. Caserta, Will Kennedy, Patrick Kolstad, Joe Kornder, Jamie McLeod and Kevin Moore and Mayor Patricia M. Mahan.

Staff present: Deputy City Manager, Director of Planning and Inspection, Director of Public Works/City Engineer, City Attorney and City Clerk/Auditor.

3.A, 3.B MOTION was made by Caserta, seconded and unanimously carried, that the Minutes for the Joint City Council/Planning Commission meeting held on September 10, 2008 and the regular meeting held on September 16, 2008 be adopted as written.

5.A As a Special Order of Business, the Deputy City Manager introduced the Acting Director of Parks and Recreation and reviewed his memo (10/09/08). MOTION was made by Moore, seconded and unanimously carried, that the Council appoint Ayumi Gothberg and Kristina Little to the 2008-09 Youth Commission. The Acting Director of Parks and Recreation then introduced Miss. Gotheberg and Miss. Little.

5.B Also as a Special Order of Business, the Deputy City Manager reviewed the Acting Director of Parks and Recreation's memo (10/06/08) regarding the recognition of the Briarwood El Camino Little League 11-12 year old All Star Section 5 Champions. Christina Contreras, President of the Briarwood El Camino Little League, and Frank Contreras, Manager of the team, introduced the players and coaches of the team. A Proclamation was presented and photographs were taken.

- 5.C Also as a Special Order of Business, the Deputy City Manager reviewed her memo (10/07/08) regarding the recognition of Byington Steel Treating, Inc. for providing services to the Santa Clara community since 1952. Mayor Mahan provided a background history of the company and the business recognition program and gave an electronic presentation. Steve Van Dorn, President of the Chamber of Commerce & Convention-Visitor's Bureau, made comments honoring Byington Steel Treating, Inc. A Proclamation was presented and photographs were then taken.
- 7.A.1 MOTION was made by Caserta, seconded and unanimously carried, that, per the City Manager (10/02/08), the Council note and file the Departmental Activity Report for August 2008.
- 7.A.2 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Electric Utility (10/03/08), the Council adopt Resolution No. 08-7568 entitled, "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, TO OPPOSE PROPOSITION 7, THE SOLAR AND CLEAN ENERGY ACT OF 2008" which opposes Proposition 7, the Solar and Clean Energy Act of 2008 and authorizes the City Manager to take follow-up actions as appropriate.
- 7.A.3 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Electric Utility (10/08/08), the Council approve the use of City Electric forces for the installation of facilities at 2300 and 2320 Owen Street and 2807 Mission College Boulevard.
- 7.A.4 MOTION was made by Caserta, seconded and unanimously carried, that, per the Chief of Police (10/06/08), the Council set the salary of newly-hired Community Service Officer I, Victoria Cruz, at Step 3, Salary Plan H, Grade 17.
- 7.A.5 MOTION was made by Caserta, seconded and unanimously carried, that, per the Housing and Community Services Division Manager (09/16/08), the Council set November 18, 2008 for a Public Hearing to obtain citizens' views on the City's Housing and Community Development Needs for the Fiscal Year 2009-10 Annual Consolidated Plan and authorize the publication of the Notice of Public Hearing.

- 7.A.6 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Public Works/City Engineer (10/08/08), the Council set October 28, 2008 for a Public Hearing to consider the Agreement with Bernadette M. Delgado to construct and maintain a 3 foot 9 inch high iron fence and gate within the public right-of-way at 1375 Jefferson Street and authorize the publication of the Notice of Public Hearing (APN 269-03-049; S.C. 18,315).
- 7.A.7 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Finance (08/18/08), the Council accept the August 2008 financial status reports.
- 7.A.8 MOTION was made by Caserta, seconded and unanimously carried, that, per the City Manager (10/09/08), the Council set November 18, 2008 for consideration of the Quarterly Report for the 2007-09 City Council Principles and Priorities.
- 7.A.9 MOTION was made by Caserta, seconded and unanimously carried, that, per the Senior Staff Aide (10/08/08), the Council approve the proposed topics schedule for the 2009 Mission City SCENES and Utility Bill Inserts.
- 7.B.1 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Finance (10/14/08), the Council approve, and authorize the City Manager to execute, Amendment No. 2 to the Agreement with Vavrinek, Trine, Day & Co., LLP to increase the contract amount by \$25,000 to \$205,100 in 2008-09 and to a total not to exceed amount of \$913,100 over five years, for financial audit and consulting services and authorize the City Manager to execute future engagement letters and other documents related to the Agreement.
- 7.B.2 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Electric Utility (10/03/08), the Council approve, and authorize the City Manager to execute, Call No. 08-4 with Milton Security Group, LLC, in an amount not to exceed \$53,900, for subscriber and WiFi management for the Electric Department Marketing Division.
- 7.B.3 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Electric Utility (10/01/08), the Council approve, and authorize the City Manager to execute, Call No. 08-4 with Flynn Resource Consultants, Inc., in an amount not to exceed \$500,000, for consulting support services in litigation related activities for the Electric Department Resources Division.

- 7.B.4 MOTION was made by Caserta, seconded and unanimously carried, that, per the Director of Electric Utility (10/02/08), the Council approve, and authorize the City Manager to execute, a Service Agreement with TransCanada Turbines, Inc., in an amount not to exceed \$150,000, for LM6000 Combustion Turbine Maintenance and Repair at the Donald Von Raesfeld (DVR) Power Plant.
- 7.C.1,2 MOTION made by Caserta, seconded and unanimously carried, that the Council note and file the following Informational Memos: "Santa Clara City Library's Placement on the 2008 Hennen's American Public Library Ratings (HAPLR)" (City Librarian - 10/07/08) and "The October 2008 issue of 'Western City' Magazine features Operation Meltdown (Deputy City Manager - 09/24/08).
- 7.D.1 MOTION was made by Caserta, seconded and unanimously carried, that the Council note and file the Minutes of the Board of Library Trustees for the meeting of August 4, 2008.
- 7.D.2 MOTION was made by Caserta, seconded and unanimously carried, that the Council note and file the Minutes of the Cultural Advisory Commission for the meeting of August 4, 2008.
- 7.D.3 MOTION was made by Caserta, seconded and unanimously carried, that the Council note and file the Minutes of the International Exchange Commission for the meeting of September 2, 2008.
- 7.E.1 MOTION made by Caserta, seconded and unanimously carried, that per the Director of Planning and Inspection (10/06/08), the Council approve the Special Permit request by Kaiser Permanente/Danny Thomas Company to allow the placement and use of a tent at 3850 Homestead Road from October 23-25, 2008 subject to the following conditions: 1) This permit shall be granted for three days, October 23-25, 2008, to allow time for set-up and take down; 2) Obtain Fire Marshall approval and permits for the tents prior to the event; 3) Obtain Building Official approval and permits for all utility hook-ups, including generator(s) prior to the event; and 4) Upon expiration of this permit, the tent shall be removed from the site and the parking area cleaned.

8.A PUBLIC HEARING: The Mayor declared the public hearing open for consideration of the Director of Public Works/City Engineer (10/08/08) regarding the adoption of a Resolution establishing permit requirements for overweight and oversize vehicles and permit fees. The Director of Public Works reviewed his memo and answered Council questions. With no public comment, MOTION was made by Caserta, seconded and unanimously carried, that the Council **close** the public hearing. MOTION was then made by Caserta, seconded and unanimously carried, that the Council **adopt** Resolution No. 08-7569 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, ESTABLISHING PERMIT REQUIREMENTS FOR OVERWEIGHT AND OVERSIZE VEHICLES AND A FEE FOR SUCH PERMITS" which establishes the overweight and oversize vehicle loads permit fee and procedure at sixteen dollars (\$16) per single trip and ninety dollars (\$90) per year.

8.B PUBLIC HEARING: The Mayor then declared the public hearing open for consideration of the Director of Planning and Inspection's memo's (10/02/08 and 10/14/08) regarding Planning Commission recommendation for adoption of a Resolution to adopt the mitigated negative declaration and rezone from A (Agriculture) to B (Public) to allow amendment of the existing conditional use permit to construct a 215 space parking lot on an undeveloped parcel at 2800 Mission College Boulevard, Our Lady of Peace Church. The Deputy City Manager introduced the item and noted the additional agenda report at the dais regarding the amended Condition of Approval No. 48. The Director of Planning and Inspection reviewed his memo and answered Council questions. Elizabeth Gibbons, project architect, addressed the Council regarding the project and answered Council questions. With no public input, MOTION was made by Caserta, seconded and unanimously carried, that the Council **close** the public hearing. MOTION was then made by Moore, seconded and unanimously carried, that the Council **approve** the Planning Commission recommendation, with the amended Condition of Approval No. 48, for adoption of a Resolution to adopt the mitigated negative declaration and rezone from A (Agriculture) to B (Public) to allow amendment of the existing conditional use permit to construct a 215 space parking lot on an undeveloped parcel at 2800 Mission College Boulevard, Our Lady of Peace Church (APN 104-16-089) (PLN2008-06863).

9.A MOTION was made by Caserta, seconded and unanimously carried, that the Council **note and file** the Minutes of the Planning Commission for the meeting held on September 24, 2008.

11. Under Public Presentations, Kevin Park addressed the Council with comments regarding public input and responses.

- 12.A MOTION made by Kennedy, seconded and unanimously carried, that per the Director of Public Works/City Engineer (10/08/08), the Council approve the appropriations in the Bicycle and Pedestrian Improvements 2008-2011 project (account number 533-4433-80300-1334) and estimated revenue from the Transportation Development Act (TDA) grant funds (account number 533-4433-5550-1334) in the amount of \$72,566.
- 12.B MOTION made by Kennedy, seconded and unanimously carried, that, per the Acting Director of Human Resources (10/08/08), the Council adopt the Employer Negotiations Principles for distribution to the employee organizations that will be negotiating with the City for successor Memoranda of Understanding.
- 13.A MOTION made by Caserta, seconded and unanimously carried, that the Council approve the Bills and Claims and Progress Payments.
- 14.A Council Member McLeod made comments regarding the JW House Grand Opening Friday, October 24, 2008.
15. The Deputy City Manager announced that the Santa Clara City Library ranked No. 3 in the nation for their population group, and noted the schedule for the rebroadcasting of the Candidate Forum on Cable Channel 15 and that it could be viewed online via the City's website.
- 16.A The City Attorney stated that the Council held earlier in the evening at 6:00 pm a Closed Session in the Council Conference Room for a Conference with Agency Labor Negotiator pursuant to Government Code Section 54957.6; City Negotiator: Jennifer Sparacino, City Manager (or her designee); Employee Organization(s): Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers), Unit #4 - City of Santa Clara Professional Engineers, Units #5, 7 & 8 -City of Santa Clara Employees Association, Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees), Unit #9 - Miscellaneous Unclassified Management Employees and Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association) and that there was no reportable action.

MOTION was made by Kennedy, seconded and unanimously carried, that, per the City Attorney (10/10/08), the Council **set October 28, 2008** at 5:00 pm for a **Closed Session** in the Council Conference Room for a Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 104-43-051, APN 104-43-052, APN 104-43-030, APN 104-42-014 and APN 104-42-019; Negotiating Party(ies): Cedar Fair and the San Francisco 49ers; City Negotiator: Jennifer Sparacino, City Manager (or her designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment) and for a Conference with Agency Labor Negotiator pursuant to Government Code Section 54957.6; City Negotiator: City Manager (or her designee); Employee Organization(s): Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers), Unit #4 - City of Santa Clara Professional Engineers, Units #5, 7 & 8 -City of Santa Clara Employees Association, Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees), Unit #9 - Miscellaneous Unclassified Management Employees and Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association).

- 17.A **MOTION** was made by Caserta, seconded and unanimously carried, that there being no further business, the meeting was adjourned at 7:55 pm to Tuesday, **October 28, 2008** at 5:00 pm for a Closed Session in the Council Conference Room, 6:00 pm in the Reception Lobby Area for Interviews for the **Cultural Advisory Commission** and the **Historical and Landmarks Commission** and to 7:00 pm for the regular scheduled meeting in the City Hall Council Chambers.

ATTEST: _____
City Clerk

APPROVE: _____
Mayor